

CIVIL ACTION NO. 3:08-CV-00251-FDW-DCK

Defendant.

ORDER

IT IS, THEREFORE, ORDERED as follows:

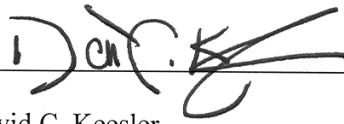
2. The Plaintiff is directed to respond *in part* to the Defendant's Interrogatories No. 3

3. The Plaintiff need not respond to the Defendant's Interrogatory No. 12. Counsel for the Defendant to his credit conceded that this Interrogatory No. 12 goes to the issue of the Plaintiff's standing to sue. Judge Whitney has previously ruled that the sovereign injury is sufficient to confer standing on the Plaintiff, and thus this Interrogatory lacks Rule 26 relevance.

4. To ensure that a proper record exists, the Clerk is directed to file and docket the aforementioned correspondence of the parties briefly setting out their respective legal positions on these issues.

SO ORDERED.

Signed: October 22, 2009



David C. Keesler
United States Magistrate Judge

